

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Werner BACK et al.
Title: PROTEIN-CONTAINING PREPARATION WHICH CAN BE
BIOTECHNOLOGICALLY PRODUCED, METHOD FOR THE
PRODUCTION THEREOF, AND USE OF THE SAME AS A
FOOD INGREDIENT
Int'l. Appln. No. PCT/EP2003/011264
Int'l. Filing Date: 10/10/2003
Examiner: Unassigned
Art Unit: Unassigned

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form 1449B/PTO is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits, and within three (3) months of the mailing date of the foreign search report.

RELEVANCE OF EACH DOCUMENT

The documents being cited in the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding international application. A copy of the International Search Report is attached setting forth the portion of the documents considered relevant by the examiner. A copy of the cited references listed in the Search Report is not being submitted herewith.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form 1449B/PTO be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 16 March 2005

By Stephen A. Bent

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Stephen A. Bent
Attorney for Applicant
Registration No. 29,768

Substitute for form 1449B/PTO

Date Submitted: March 17, 2005

(use as many sheets as necessary)

Sheet	1	of	2
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Complete if Known 10/528191

Application Number	Unassigned
Filing Date	March 17, 2005
First Named Inventor	Werner BACK et al.
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	060953-0137

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A2		EP 0 006 380 A		BEL FROMAGERIES	1/9/1980		
	A3		DD 278 058 A		ADW DDR	4/25/1990		
	A4		GB 1 356 363 A		ARKADY NEW FOODS LTD.	6/12/1974		
	A5		WO 02 05657 A		KNOL WIEGER et al.	1/24/2002		
	A6		EP 0 988 793 A		FUJI OIL CO., LTD.	3/29/2000		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A7	International Search Report of PCT/EP03/11264.	
	A8	DATABASE FSTA 'Online!' INTERNATIONAL FOOD INFORMATION SERVICE (IFIS), FRANFURT/MAIN, DE; MOK C et al., "Risogurt, a mixture of lactic acid fermented rice and soybean protein: development and properties", Database accession no. XP002227512 *Abstract & KOREAN JOURNAL OF FOOD SCIENCE AND TECHNOLOGY 1991 KOREA FOOD RES. INST., SAN 46-1 BAEKHYONDONG BOONDANGKU, SONGNAM, KYONGKIDO 462-420, Republic of Korea, vol. 23, no. 6, pp. 745-749.	

**Examiner
Signature**

/Susan Caldwell/

Date Considered

06/10/2009

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		10/528191	
Date Submitted: March 17, 2005		Application Number	Unassigned
(use as many sheets as necessary)		Filing Date	March 17, 2005
		First Named Inventor	Werner BACK et al.
		Group Art Unit	Unassigned
		Examiner Name	Unassigned
Sheet	2 of 2	Attorney Docket Number	060953-0137

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	A9	DATABASE FSTA 'Online!' INTERNATIONAL FOOD INFORMATION SERVICE (IFIS), FRANFURT/MAIN, DE; PAIK I S et al., "Keeping quality of yogurt beverage prepared from soy protein concentrate", Database accession no. XP002227513, *Abstract & Korean Journal of Food Science and Technology 1985 Dep. Of Foods & Nutr. Duksung Women's Coll. Seoul, S. Korea, vol. 17, no. 1, pp. 45-50.	
	A10	ANKENMAN GRANATA L et al., "IMPROVED ACID FLAVOR AND VOLATILE COMPOUND PRODUCTION IN A HIGH PROTEIN AND FIBER SOYMILK YOGHURT-LIKE PRODUCT", JOURNAL OF FOOD SCIENCE, INSTITUTE OF FOOD TECHNOLOGISTS. CHICAGO, US, vol. 61, no. 2, March 1, 1996, pp. 331-336.	
	A11	CHENG Y et al., "SOGURT, A YOGURT-LIKE SOYBEAN PRODUCT: DEVELOPMENT AND PROPERTIES", JOURNAL OF FOOD SCIENCE, INSTITUTE OF FOOD TECHNOLOGISTS, CHICAGO, US, vol. 55, no. 4, July 1990, pp. 1178-1179.	
	A12	CAMACHO L et al., "NUTRITIONAL QUALITY OF LUPINE (LUPINUS ALBUS CV. MULTOLUPA) AS AFFECTED BY LACTIC ACID FERMENTATION", International Journal of Food Microbiology, Elsevier Science Publishers, Amsterdam, NL, vol. 14, no. 3/4, 1991, pp. 277-286.	
	A13	MITAL B K et al., "FLAVOR ACCEPTABILITY OF UNFERMENTED AND LACTIC-FERMENTED SOY MILKS", Journal of Milk and Food Technology, The Association, AMES, IA, US, vol. 5, no. 39, May 1976, pp. 342-344.	
	A14	DATABASE FSTA 'Online!' INTERNATIONAL FOOD INFORMATION SERVICE (IFIS) FRANFURT/MAIN, DE; Han O et al., "Lactic Acid Fermentation of Lupinseed Milk", Database Accession No. 87-1-05-h0099, XP002227514 *Abstract & KOREAN JOURNAL OF APPLIED MICROBIOLOGY AND BIOENGINEERING 1985 DEP. OF FOOD TECH., KOREA UNIV., SEOUL, REPUBLIC OF KOREA, vol. 13, no. 3, pp. 191-198.	

Examiner Signature	/Susan Caldwell/	Date Considered	06/10/2009
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⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 18 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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